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ACTION

COLORADO DEPARTMENT OF HEALTH

Dedicated to protecting and improving the health and
environment of the people of Colorado

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ROCKY FLATS PLANT
CORRESPONDENCE OF CONTROL

February 16, 1993

Mr. Richard J Schassburger
U S. Department of Energy
Rocky Flats Plant
P. O. Box 928
Golden, Colorado 80402-0928

Re OU-4 IM/IRA

Dear Mr Schassburger,

The Colorado Department of Health, Hazardous Materials and Waste Management Division (the Division) and the U S Environmental Protection Agency (EPA) are hereby responding to a letter from James K Hartman to the undersigned dated January 22, 1993 (as amended January 29, 1993) in order to state our position on the various issues Mr Hartman's letter of January 25, 1993 will be addressed separately to formally modify, approve and incorporate proposed amendments into the IM/IRA Decision Document (DD)

It is our understanding that DOE currently does not view this IM/IRA as an activity subject to the RCRA/CERCLA framework delineated in the IAG This view is in error. DOE agreed to develop and conduct an IM/IRA for de-watering the Solar Ponds within the context of the IAG Our authority to impose additional IM/IRAs under the IAG is clear and should not be questioned

Additionally, contrary to DOE's insinuation, we have not confused this IM/IRA with the one originally established in Table 6 of the IAG Statement of Work Consequently, our determination that DOE violated the IAG, as stated in our letter of January 4, 1993, is not vacated

Having DOE question our authority to note violations of the IAG, and to impose penalties thereunder, was not favorably received We consider the implementation schedule originally included in the IM/IRA DD to be enforceable Failure to comply with the schedule is subject to stipulated penalties under the IAG

We are also puzzled by the reference to pondcreteing operations. The objectives of this IM/IRA, although necessary for sludge removal and disposal, do not directly address pondcrete operations Therefore, this IM/IRA is not an Agreement in Principle issue Furthermore, your belief that reporting of activities relative to this IM/IRA is outside the scope of the IAG Monthly Report is also in error.

At the February 2, 1993 meeting, we were provided a detailed schedule defining the duration of activities you deem necessary to complete and begin operation of the B910 evaporators and to transfer Interceptor Trench System (ITS) water to the surge tanks Although we appreciate the management attention given to these projects, as evidenced within the detailed schedules, we will not approve these new schedules and associated milestones As such, it is our position that these schedules will not supersede the original schedule included in the IM/IRA DD. We reserve our rights to assess stipulated penalties dating from the original milestone dates.

Our decision whether to impose penalties will be based upon DOE's expedited progress in diverting ITS water to the surge tanks and removing excess water from the ponds Consequently, the dates set forth in Attachment 2 of Mr. Hartman's letters will be used as one measure of progress toward meeting the goals of the IM/IRA However, complying with those dates will not preclude enforcement action if it is determined that more rapid progress was attainable by DOE

ADMIN RECORD

Regarding technical issues, the Division and EPA concur with your proposal to divert ITS water from the Solar Ponds to the surge tanks, upon successful repair and leak testing of the tanks, under the following conditions.

- o DOE must continue and expedite treatment of pond water in the B374 evaporators,
- o ITS water must be stored in the surge tanks, subject to available capacity, and
- o First priority for use of B374 available capacity will be for the treatment of pond water followed by the treatment of ITS water

If high ITS water flow rates are experienced or anticipated before excess pond water is processed in B374 or before B910 is operational, DOE may cease treating pond water and begin to lower surge tank levels to accommodate expected ITS flows. When sufficient capacity has been reestablished in the surge tanks, DOE must resume the treatment of pond water.

The priority of using B374 for the treatment of pond water will not preclude the use of B910 for the same purpose. The Division and EPA will revisit the need for pond water treatment in B910 when it is ready for operation. It is our hope that ITS flow rates this Spring will be low enough such that de-watering of the ponds can be accomplished solely by B374 with B910 reserved for treatment of ITS water. If this is not possible, then the Division and EPA may direct DOE to treat pond water in B910 as originally specified in the IM/IRA DD

We further concur with the permanent removal of the 020" ultraviolet liners in all three surge tanks. With this tank design modification, we expect the surge tank repair schedule to be compressed by nine days and for a revised Attachment 2 schedule to reflect this change.

The Attachment 2 schedule must also be revised to show a specific date in February, 1994 by which the excess liquids will be removed from the ponds and surge capacity restored to the modular tanks in anticipation of Spring 1994 ITS flow rates.

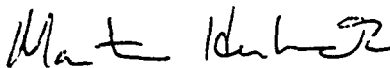
Lastly, we also take this opportunity to state our position regarding OU-4 RFI/RI investigations. DOE must make every effort to expedite the removal of both water and sludge to allow these investigations to proceed. Enforceable IAG milestones apply to implementation of the RFI/RI Work Plan and to the delivery of the RFI/RI Report. Stipulated penalties for such violations, above and beyond those that may be levied for failure to meet the IM/IRA milestone dates, may also be assessed.

If you have any questions please contact Harlen Ainscough of the Division at 692-3337 or Arturo Duran of EPA at 294-1080.

Sincerely,



Gary W. Baughman, Chief
Facilities Section
Hazardous Waste Control Program
Colorado Department of Health



Martin Hestmark, Manager
Rocky Flats Project
U. S. Environmental Protection Agency

cc Daniel S. Miller, AGO
Jackie Berardini, CDH-OE
James K. Hartman, DOE
Frazer Lockhart, DOE
Scott Surovchek, DOE
Ed Lee, EG&G
Randy Ogg, EG&G
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